

APPROVED MINUTES

May 12, 2014

Kittery Town Council
Regular Meeting

Council Chambers

1. CALL TO ORDER: The meeting was called to order at 7 o'clock by Chairperson Thomson.
2. INTRODUCTORY: Chairperson Thomson read the introductory.
3. PLEDGE OF ALLEGIANCE: Chairperson Thomson led those present in the Pledge of Allegiance.
4. ROLL CALL: Answering the roll were Councilors Frank Dennett, Charles Denault, Jeffrey Pelletier, Russell White, Judith Spiller, Jeffery Brake and Chairperson Jeffrey Thomson.
5. AGENDA AMENDMENT AND ADOPTION:

Chairperson Thomson said he had one: to add an item under 13, New Business, 13 (n), "The Kittery Town Council moves to schedule a public hearing for May 28th to transfer \$20,000 from unassigned surplus, pursuant to Sec. 6.09(2), to fund consulting services associated with filing an appeal to FEMA associated with the newly revised Flood Insurance Rate Maps."

Councilor Spiller said she also wanted to add an item under New Business, 13 (o), "The Kittery Town Council moves to appoint Joseph Carven to the Shellfish Conservation Committee for a term to expire on 3/15/17."

Chairperson Thomson accepted the agenda as amended.

6. TOWN MANAGER'S REPORT:

Town Manager Colbert Puff noted that they had sent letters to all property owners affected by the changes in the FEMA Flood Insurance Rate maps and she received 11 and one person called. She said more importantly, York County and Cumberland County officials and staff from our Senate delegation met in full attendance to talk about how other communities are addressing this issue. She said Wells did have a meeting and explained their issue with the maps, but did not receive too much input from FEMA. Kennebunkport, Wells, Saco, Old Orchard Beach and Scarborough are all spending from \$20,000-\$30,000 for consulting assistance to appeal the maps.

Town Manager Colbert Puff said they are continuing to wait for an announcement of the beginning of the appeal period, and then they will have 90 days from that point in which to file an appeal.

Town Manager Colbert Puff said that the Port Authority Meetings are held on the first Thursday each month at 6:00 p.m. and are now being broadcast live on Channel 22.

Town Manager Colbert Puff said, at the request of Councilor White, she spoke with a representative from Maine Municipal Association in regard to the Tenant User Liability Program (TULIP) event insurance who confirmed that the TULIP program is designed to provide an option for those seeking to use Town facilities to obtain insurance.

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Town Manager Colbert Puff said currently anyone wishing to use a town facility is required to provide their own insurance and, if they are not an organization, it is difficult. She said the Town will allow a well-organized group to lease the facility that comes with an insurance Certificate in hand.

Town Manager Colbert Puff reported that Councilor Dennett provided comments on the Sewer Dept. –York User Agreement, and there was one change in the first paragraph on page four. She said that it now reads “the Kittery Water District” as opposed to the “Kittery Water Department and it was included in her report.

Chairperson Thomson asked if the agreement was ready to proceed.

Town Manager Colbert Puff replied yes.

Town Manager Colbert Puff said there was a bid opening on April 30th for the 1983 Mack Fire Truck, and Chief O'Brien received three bids. She said the highest bid was chosen in the amount of \$7,289.89.

Town Manager Colbert Puff said that they are discussing additional shared services with the Town of Eliot Police Department for a lieutenant position and they will be conducting a review in June of our current Chief-sharing arrangement.

Town Manager Colbert Puff said that her recommendation is to proceed forward with the review as we work out the details of how this prospect might work. She said she will be in contact with the Shared Services Committee in the next few weeks regarding this matter.

Town Manager Colbert Puff reported that the Economic Development Committee has been working with the “Business in Focus” magazine, and through this partnership, they have given them contacts in Kittery and in exchange, they will focus on Kittery in their magazine.

Town Manager Colbert Puff said she had met regarding the Shapleigh School Zone signs, and DOT has fixed a sign, but not the one they were discussing. She said there is another sign that needs to be installed.

Town Manager Colbert Puff announced that she has made a selection for the Department of Public Works Commissioner, and after an extensive search and interview process, she is pleased to inform Council that she has chosen Norman Albert. She said Mr. Albert brings 26 years of strong work ethic, knowledge and dedication to Kittery and she would like to welcome him to that role.

Councilor Dennett asked if the floor was open to questions on the Town Manager's report.

Chairperson Thomson asked if anyone has any questions.

Councilor Dennett wanted to know if the Town is entering MMA's TULIP program.

Town Manager Colbert Puff replied yes.

Councilor Dennett said that insurance is a slippery slope and he will discuss this with the Town Manager further.

Town Manager Colbert Puff said that one convenience of the Program is that the Town of Kittery officials are automatically included on the Certificate, but she will talk with Councilor Dennett.

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Councilor Denault asked if someone could turn on the TV Guide on Channel 22, which is part of the software, as opposed to the Slide Show that shows Town Council and School Committee meetings.

Councilor Denault wanted to know if the fire truck that was sold is the same one that used to sit outside the Fire Station or is it a different one.

Maryann Place, Town Clerk, replied that no, it is not the same one.

Councilor Denault wanted to know if the Town Manager had a schedule as to when the Shapleigh signs will be fixed.

Town Manager Colbert Puff deferred the question over to Norm Albert, who approached the podium.

Mr. Albert first thanked Council and everyone for choosing him.

Mr. Albert said that "Dig Safe" informed him the Shapleigh signs are larger than what was there originally, and they looked on Manson Road and Whipple Road and there are no "School Zone ending" signs anywhere.

Mr. Albert said to put the sign there, the post will be lower to the ground and there is a gas line there, so that is why DIG SAFE is involved. He said it will take three days for DIG SAFE to get back to him.

Councilor Denault asked if they would be back in touch with Mr. Albert before the end of the school year.

Mr. Albert replied he should hear from them by next week.

7. ACCEPTANCE OF PREVIOUS MINUTES:

Chairperson Thomson declared the minutes of the April 28, 2014 Special Meeting accepted as presented and the minutes of the April 28, 2014 Regular Meeting accepted as amended.

8. Chairperson Thomson said Council had no interviews this evening for the Board of Appeals or Planning Board.
9. The Kittery Town Council moves to hear a presentation from Richard Swietek on the new website for the Economic Development Committee.

Gary Beers approached the podium and said that Rich Swietek was not able to be present this evening, so, as Chair of the Economic Development Committee, he would like to announce the new EDC website, www.kiterymaine.biz and gave an overview of the tabs: "About" gives the town history and business history, along with a marketing video; the "Markets" page includes details, Location, Maps; "Quality and Place", "Arts and Culture" lists things to do, "Resources" addresses permits and business counseling and there is a "Business to Business" connection. He said there is also a "What's New" section where relevant information will be displayed as well as an "e-news" function so people can receive notices automatically with a link to the Town's website.

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Mr. Beers said the site is administered by Charles Denault and Gerry Mylroie and that the Economic Development Committee's approval is required for any updates or changes to their website.

Mr. Beers said George Dow is the Committee's representative with Traip Academy and is discussing job-sharing positions and internships and they hope to establish a mirror image on the pages on the Traip Academy website.

10. PUBLIC HEARINGS:

a. (050114-1) The Kittery Town Council moves to hold a public hearing to approve the Notice of Amounts for the School Budget Validation Referendum.

Chairperson Thomson said this item is to approve the notice of amounts that Town Council took a preliminary vote on. He said before he opens the public hearing, he wanted to be clear they are talking about the final figure of \$14,961,185.02 for the various cost centers.

Superintendent Allyn Hutton said that is correct.

Chairperson Thomson said Council is looking at a notice that was signed by the School Committee and Superintendent Hutton March 18th that will go to the voters on June 10th.

Superintendent Hutton confirmed that was correct.

Chairperson Thomson opened the public hearing and asked if anyone wished to speak to, for or against this matter, and hearing no comments, closed the public hearing.

COUNCILOR DENAULT MOVED THAT COUNCIL APPROVE THE NOTICE OF AMOUNTS FOR THE SCHOOL BUDGET VALIDATION REFERENDUM TO GO TO THE VOTERS ON JUNE 10TH, SECONDED BY COUNCILOR SPILLER, IN THE AMOUNT OF \$14,961,185.02. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 7-0.

b. (050114-2) The Kittery Town Council moves to hold a public hearing to approve and ordain an ordinance entitled "Ordinance Approving Additional Local Funds for School Budget for Fiscal Year 2014-2015."

Chairperson Thomson wanted to know if he was looking at the correct one, for \$2,106,928.64 and read the ordinance. He asked the Superintendent if the amounts were correct.

Superintendent Hutton replied yes.

Chairperson Thomson asked the Superintendent to explain what "Essential Programs" are.

Superintendent Hutton replied an Allocation Model is the minimum amount set by the State; it is a formula which determines the minimum amount a school can operate on, which is the bare minimum. She said barely any schools can meet their requirement as it would mean not having many programs.

Superintendent Hutton noted, for clarification, in the Council's packet, she had included the revised amounts from the Dept. of Education. She said the amount received has not changed, but what category they come from due to some kind of computer error. She said those are the correct numbers.

Chairperson Thomson asked if the \$2.1 million dollars was included in the \$14 Million figure.

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Superintendent Hutton replied yes.

Chairperson Thomson opened the public hearing and asked if anyone wished to speak to, for or against this item and to please state your name and address for the Recorder.

Mary Stevens, Gray Lane said she hoped the Town Council will lend its support to the School Department's entire budget. She said a solid education, a good education, is the cornerstone of any community.

Ms. Stevens said Kittery has great teachers, but there still is work for them to do and she supports the leadership team. She said she knows there are teacher contracts coming up for re-negotiation, but funding needs to be there. She said teachers need to be paid to educate and Kittery needs to retain the excellent teachers to continue to do excellent work.

Hearing no other comments, Chairperson Thomson closed the public hearing.

COUNCILOR PELLETIER MOVED COUNCIL APPROVE AND ORDAINED THE ORDINANCE ENTITLED ORDINANCE APPROVING ADDITIONAL LOCAL FUNDS FOR SCHOOL BUDGET FOR FY 2014-15 AS PRESENTED, SECONDED BY COUNCILOR BRAKE. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 7-0.

c. (050114-3) The Kittery Town Council moves to hold a public hearing to approve and ordain an ordinance entitled "Ordinance Approving School Budget for Fiscal Year 2014-15."

Chairperson Thomson said there are various cost centers and asked the Superintendent if she wanted to address anything.

Superintendent Hutton replied not necessarily.

Chairperson Thomson said the \$14,961,185.02 is broken down by cost centers, and read the figures for Instruction = \$6,080,561.84; Special Ed. = \$2,608,295.35; Career and Technical Education = \$4,115.00; Other Instruction = \$281,786.20; Student and Staff Support = \$1,496,799.85; System Administration = 533,379.39; School Administration = \$867,423.84; Transportation and Buses = \$494,008.64; Facilities Maintenance = \$1,417,272.41; Debt Service and Other Commitment = \$1,113,542.50 and for "All Other" Expenditures = \$64,000 for a grand total of \$14,961,185.02.

Chairperson Thomson opened the public hearing and asked if anyone wished to speak to, for or against this item. Hearing no comments, he closed the public hearing.

COUNCILOR WHITE MOVED THAT COUNCIL APPROVE AND ORDAIN THE ORDINANCE "APPROVING SCHOOL BUDGET FOR FISCAL YEAR 2014-15" AS PRESENTED, SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS TAKEN, WITH ALL VOTING IN FAVOR. MOTION PASSED 7-0.

d. (050114-4) The Kittery Town Council moves to hold a public hearing to approve and ordain an ordinance entitled "Ordinance Approving Transfer of Year-End Balances to Dedicated Accounts."

Chairperson Thomson said these are the year-end balances that the Superintendent is requesting be moved forward to FY2014-15 and read: \$150,000 to the School Maintenance Dedicated Account; \$150,000 to the School Special Ed. Dedicated Account; \$10,747 to the School Unfunded Liabilities Dedicated Account; \$3,500 to the School Technology Dedicated Account; \$15,000 to the School

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Co/Extra Curricular Success Dedicated Account, for a total of \$329,247 to move forward into the next fiscal year.

Chairperson Thomson opened the public hearing and asked if there was anyone who wished to speak to, for or against this item.

George Dow, One Bartlett Road, said he is in favor of this and it is important for the public to know that these funds come from a well-run budget, which ends up making the funds available at the end of the year. He gave an example of Special Education, and if a new student comes in during the year, they have to find the revenue within the budget and said Supt. Hutton does a tremendous job with that.

Mr. Dow said he does not know what is in the school budget, but from past experience, he sees a professionally-run budget from Supt. Hutton and her staff and he has every confidence in her. He said he supports the dedicated accounts as outlined and hopefully they will be supported by the Town Council.

Hearing no other comments, Chairperson Thomson closed the public hearing. Chairperson Thomson asked if Council had any questions.

Councilor Denault had a question for the Superintendent. He said the Superintendent did not spend this money last year because of fiscal responsibilities and wanted to know if this will be applied to next year's budget.

Superintendent Hutton replied the money is being transferred as a carry forward in the operating budget. She said this is in addition to that and the money is being put into these accounts.

Councilor Denault asked if this budget is last year's.

Superintendent Hutton replied yes, except the last one.

Councilor Denault asked if she was transferring them to FY'15.

Superintendent Hutton replied that is correct.

Councilor Denault asked the Superintendent when she prepared the budget did she take this into account.

Superintendent Hutton replied yes, Special Ed.

Councilor Pelletier said the money will be spent next year, but it can remain in the account for 10 years.

COUNCILOR PELLETIER MOVED TO APPROVE AND ORDAIN THE ORDINANCE APPROVING TRANSFER OF YEAR-END BALANCES TO DEDICATED ACCOUNTS AS PRESENTED, SECONDED BY COUNCILOR SPILLER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 7-0.

11. DISCUSSION:

- a. Discussion by members of the public

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Bob Harris said that since they were talking about the budget, he noted there was poverty in town and he sees how it affects the schools. He suggested that if a casino could be built, they would come in with a 1,000 jobs and there could be \$2 million dollars in the town's "slush fund" and they would not need a bond. He said there would be three shifts because casinos are open 24 hours.

Mr. Harris said that Kittery is on the list as the best place for a casino and he did not think there would be a better deal. He said it would not cost the taxpayers anything – they would pay for everything and all they would have to do is get a petition signed to put it on the ballot.

Mr. Harris also wanted to point out that the sign in front of the Kittery Community Center should be moved back because as you drive up the road, you can't see anything.

Councilor Dennett said without speaking in favor or in opposition, the Town Charter is written so that casinos cannot be in Kittery. He said it would take a change in that and a vote and it depends on the Town Attorney.

Mr. Harris said the taxpayers have a right to vote on it.

Chairperson Thomson said that in 2002 the Charter was amended and casinos cannot be built here. He said it is a long process and it would have to be followed.

Kelly Philbrook of Kittery Point said she wanted to speak about the BIG project on Pepperrell Cove. She said her family is a fishing family and pointed out that the small ramp at the head of the pier is being eliminated. She wanted to know how would the fishermen be able to use the pier.

Ms. Philbrook said she explained this in her letter to Council that tensions exist between the fishermen and the transients. She pointed out that the fishermen do a lot of work for the town. She said if Council went on the Town of York's website, they would see how proud they are of their fishing community and she would like to see Kittery be proud of theirs.

She said they talked to DOT and they assured the Port Authority the ramp would stay, and she has attended Port Authority meetings and it was mentioned the ramp was staying, but now the project is going to be done and the ramp will not be there.

Dick Draper said he went to Port Authority meetings to try to get this changed. He said he sets out traps from May to the beginning of July – but he can't do it when there are fishermen and pleasure boaters.

Mr. Draper said that Harbor Master Mike Blake did contact him and he has an idea which may work. He said that maybe you can ask this company making the float, Prock to drive another piling.

Mr. Draper said the new facility will have a handicapped accessible ramp on one side, but it is a long way from the end of the dock and most of his traps weigh 6-9 pounds each and that is a lot of work.

Steve Delaney said he lives across the street from Frisbee's store and he would like to think that the town is a family and they should take care of their own first. He said the extra slips are for others, but he would like to see the ramp be for us first.

Elizabeth Arsenault, Gerrish Island Lane, said her husband is a retired lobsterman and fisherman and by not having the ramp there, they are putting the fishermen's lives in danger. She said by having to climb way up to get their traps is not fair.

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Dan Ford, 19 Bond Road, Kittery Point wanted to say he supports the boat ramp. He said the Port Authority's mission statement is that this is for a working waterfront and he cannot comprehend how they would not be for the fishermen and are removing the ramp.

c) Chairperson's response to public comments:

Chairperson Thomson stated the only thing he can say is that he hears their concerns and trusts the Port Authority hears their concerns. He said this project has a long saga, there have been many workshops and individuals have come from the State to discuss this, and the grant has been awarded based on the application that was put forth. He said no one has really seen what this looks like as it is still under construction up north.

Chairperson Thomson said they should express their concerns to the Port Authority at their meeting next month. He said we have to see what issue develops once the floats are put in place and the facility is being used.

Councilor Denault said he wanted an update when this thing first started from Bob {Melanson} and he has not seen one. He said people have spoken at the Port Authority meeting and if these plans have changed, it would be the Port Authority's due diligence to make sure everything is being done. He said his concern is they are not focusing on all the people. He said there are too many ripples in the water coming from this project and that Council has no clue as to what's going on from the Port Authority.

Councilor Spiller said she would like to echo Councilor Denault's concerns. She said she has had a great deal of skepticism and serious doubts with regard to the Port Authority's ability to manage their responsibilities and this is another example.

Chairperson Thomson asked what does the Council suggest.

Councilor Denault said first, he wanted to get an update from Bob Melanson since Council heard about the changes. He wants to know what, if anything, has been changed.

Chairperson Thomson said he assumes that minutes of the Port Authority meetings are kept.

Maryann Place said yes.

Councilor Denault asked if the minutes are online.

Maryann Place replied yes.

Councilor Spiller asked if they could invite the Chair of the Port Authority to their next meeting.

Chairperson Thomson said that the Port Authority will be at the budget workshop next Monday.

Barry Fitzpatrick called for a point of order. He wanted to know if Council found an issue, do they have the power to step in and stop this or correct this dangerous issue.

Chairperson Thomson said he is not sure.

Ms. Philbrook said she does not think the plans are changed. She said when DOT came, they said they would make it work for everybody and it's not. She said she has brought this up at Port Authority meetings. She said if we got answers, we would not be here and neither would these guys. She said

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the Port Authority may manage it, but it's a town-run facility, your facility and the taxpayers', and if they are managing it, we look to the Town Council to fix it and make it work.

Ms. Philbrook said if the fishermen go away, there will not be any more money to do anything. She said the fishermen carry more weight than a sailboat.

Councilor Pelletier asked Ms. Philbrook if the ramp was not part of the BIG project and if she was led along that it would be added at the end.

Ms. Philbrook replied yes.

Councilor Pelletier said and now it will not be added, and wanted to know if that was correct.

Ms. Philbrook replied that is right.

Councilor Pelletier asked her, as a member of the Kittery Port Authority, could Ms. Philbrook articulate why it is not part of the plan.

Ms. Philbrook replied no, and added that she does not get updates. She pointed out that, up to the last meeting, we thought it would be part of this facility.

Councilor Pelletier said he is unclear as to why the ramp was not part of the original project.

Chairperson Thomson said the decision had to have been made by a Port Authority vote.

Ms. Philbrook said there was a change on the ramp.

Steve Lawrence, Kittery Point said he is also a member of the Port Authority and stated that when everything went out to bid, they started off with one set of plans. He said they met in a workshop and he sat beside the State agent and he asked if the ramp would be there. He said things went awry when we, Kelly and I, asked for the plans and they came from Peter Walsh.

Chairperson Thomson asked if he was saying that decisions were made outside of a Kittery Port Authority meeting.

Mr. Lawrence replied in the last plan he saw, we did not vote on, he did not see the ramp on the plan and now there is no wiggle room to put the ramp in.

Mr. Lawrence said he does not know where it's going, but he has traps and does not want to go down an 82 ft. ramp. He said he hopes that they listen to the CD.

Councilor Pelletier asked if Mr. Lawrence voted on the plan at the Port Authority meeting.

Mr. Lawrence replied that Kelly and I voted against it.

Councilor Pelletier asked if the plan included the ramp.

Mr. Lawrence replied the plan went forward, but said not the final plan, and they kept getting plans with electricity and cable TV but they did not see this final plan.

Councilor Pelletier asked if they had not voted on the final plan.

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Mr. Lawrence responded he felt it was a done deal. He said they voted to go through with the project and it was in the paper.

Chairperson Thomson asked if there was an official recorded vote of the Port Authority to approve the design.

Mr. Lawrence replied yes.

Councilor Pelletier asked if it included the ramp.

Ms. Philbrook responded yes.

Councilor Pelletier stated, for clarification, that the ramp is not part of the completed project, yet the people were told it was to be done at the end, but now it is not part of the plan and that is why you are upset.

Ms. Philbrook replied yes.

Chairperson Thomson asked the Town Manager if she could contact the appropriate individual in Augusta and ask them to fax us the plan they received as the approved design from the Port Authority. He said if they can see that by next Monday, where there will be a workshop with the Port Authority, that is all they can do this evening.

Mark Drummond of Kittery Point said ever since the inception of the project, we have been continually informed that the ramp would be in the plan and he is concerned that this is another place of the working waterfront going by the wayside.

Councilor White said he had a question and asked Mr. Drummond who made these assurances.

Mr. Drummond replied, Bob, the Chairman of the Port Authority.

Councilor White asked if there was any suggestion that the plan would be changed and did that become more than words.

Chairperson Thomson asked if this was part of the minutes.

Mr. Drummond replied he heard it at the Port Authority meeting.

Councilor Pelletier wanted to know if there were any discussions in the minutes which talks about assurance that the ramp would be in place, and if so, he would be interested in seeing that.

Mr. Drummond said the former Harbor Master, Bion Pike, assured the fishermen the ramp would be there when the fishermen had their concerns.

Mr. Draper said over a series of meetings, he raised the issue of the BIG project bringing in tourists and now money, and he asked if we would be able to use the dock and he was told yes. He said the project got going along and the way it was designed there is no way we can use the existing ramp.

Mr. Draper said there are two people on the Port Authority who are directly related to the commercial fishing industry.

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Chairperson Thomson said they have charted a path to discuss this issue at the budget workshop next Monday at 6 p.m. with the Port Authority, and they may have to schedule a separate meeting.

12. UNFINISHED BUSINESS - none

13. NEW BUSINESS:

- a. Donations/gifts received for Council disposition

(050114-5) The Kittery Town Council moves to accept a donation for the Kittery Community Center in the amount of \$30.00 from John and Ann D'Aquila to be deposited in account #2063-43600, Kittery Community Center.

Chairperson Thomson said the check is in memory of June Rodis, who passed away in February.

IT WAS MOVED BY COUNCILOR SPILLER TO ACCEPT THE DONATION FOR THE KITTERY COMMUNITY CENTER IN THE AMOUNT OF \$30.00 FROM JOHN AND ANN D'AQUILA TO BE DEPOSITED IN ACCOUNT 2063-43600, SECONDED BY COUNCILOR PELLETIER. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.

- b. (050114-6) The Kittery Town Council moves to appoint Jenny O. Wall to the Parks Commission as an associate member until March 28, 2017.

Councilor Spiller said she conducted the interview.

COUNCILOR SPILLER MOVED TO APPOINT JENNY O. WALL TO THE PARKS COMMISSION AS AN ASSOCIATE MEMBER UNTIL MARCH 28, 2017, SECONDED BY COUNCILOR PELLETIER. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 7-0.

- c. (050114-7) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Thomson read the amounts for the Town Accounts Payable, the Sewer Dept. and the School, for a grand total of \$162,946.25 and asked if they were reviewed and found to be in order.

Councilor Dennett replied that he had reviewed them. Chairperson Thomson said he reviewed the School's.

COUNCILOR PELLETIER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BRAKE. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.

- d. (050114-8) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Kittery Community Center Board of Directors to interview Danielle Avery for her appointment to that board as a Recreation representative until 5/30/17 (replacing Tess Schneier who did not re-apply).

Chairperson Thomson said that Councilor White is the next on the list.

IT WAS MOVED BY CHAIRPERSON THOMSON, AND SECONDED BY COUNCILOR SPILLER, TO APPOINT RUSSELL WHITE TO MEET WITH THE CHAIR OF THE KCC BOARD OF DIRECTORS TO INTERVIEW DANIELLE AVERY FOR HER APPOINTMENT TO THAT BOARD UNTIL 5/30/17. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 6-0-0. (Councilor Dennett was not in the Chambers for the vote.)

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e. (050114-9) The Kittery Town Council moves to make formal, the Shared Services Committee charge and membership, such that the Committee, at the direction of the Town Manager, work with the Town Manager and appropriate Town Staff and others as the Town Manager designates: (1) to identify and develop opportunities and review agreements for implementation of activities to achieve greater efficiency in delivering Town services while containing costs and (2) to keep the Town Council informed of those activities. Membership shall include two Town Councilors appointed by the Council each year at the first meeting following the November Election, the Town Manager, Town staff identified by the Town Manager as appropriate and others, dependent on the matter under consideration.

Chairperson Thomson asked Councilor Spiller and Councilor Denault for their comments.

Councilor Spiller said that the Committee has done some constructive things in town, but recently it has been dormant. She said they thought this is a good time to bring it back to life and the Police staffing is a good start. She said that she would be happy to step aside and let the Chair have her role.

COUNCILOR SPILLER MOVED THAT COUNCIL MAKE FORMAL THE SHARED SERVICES COMMITTEE CHARGE AND MEMBERSHIP, AND THAT THE CHAIR AND THE VICE CHAIR OF THE TOWN COUNCIL BE CHAIR AND VICE CHAIR BE APPOINTED AS MEMBERS TO THE SHARED SERVICES COMMITTEE, SECONDED BY COUNCILOR DENAULT.

Chairperson Thomson said that this charge would be changed as recommended this evening.

Councilor Dennett asked how can we change a charge when we have no charge.

Chairperson Thomson apologized if he misspoke.

Councilor Dennett wanted to know what is the charge because, according to line 59 on the report submitted to Council, there is no charge.

Chairperson Thomson responded that is what Council is discussing.

Councilor Dennett said he did not understand.

Chairperson Thomson said this Committee was originally a creature of the Council. Councilors Denault and Spiller looked at the original charge and made some tweaks.

Councilor Dennett said he has a few problems with it. He wanted to know if there would be terms.

Councilor Spiller replied one year. She said Russ White is the Chair and there are two Councilors appointed.

Councilor Dennett asked what about other members.

Councilor Spiller responded the Town Manager will bring in appropriate staff.

Councilor Dennett wanted to know if it is an advisory committee. He asked if you have a committee, would it have a vote.

Chairperson Thomson said it serves as an advisory role for the Town Manager, but ultimately the decision is hers.

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Councilor Dennett wanted to know why the Council is forming a Committee when the Town Manager can form her own Committee. He said he has a problem with the charter, and read the section. He said that Council has the authority to appoint, not the Town Manager.

Chairperson Thomson said, as he looks at it, it is a tool provided for better management.

Councilor Dennett asked why can't the Town Manager create a Committee.

Councilor Spiller said the Committee exists by Council action.

Councilor Dennett said it does not take Council action and asked why the Town Manager cannot form her own committee. He said he has no objection to that.

Councilor Denault said having Councilors on the Committee is a direct line back to Council.

Councilor Dennett said they would have two Councilors and the Town Manager could have other members.

Councilor Denault said it is one more thing we are taking care of.

Councilor Pelletier said he would agree with that. He thought it is appropriate for the Town Manager, Chair and Vice-Chair to consult with them as a sounding board to the Town Manager and that unless there is a driving desire to incorporate this, would simply say to use discretion that is in place to consult the Vice Chair and Chair.

Councilor Spiller said let's abolish the Committee.

Councilor Pelletier said he would agree with that, because of the hour.

Councilor Denault said we just cannot say we cannot share. This was enacted on the school side. He said there are a lot of things coming down the road and this brings diversity to the table. He said we cannot throw everything on the Town Manager to do it. He said this goes with the Boards and Committees that he has been working on and he is sure there is a solution.

Councilor Dennett said he does not see a problem.

Councilor Denault said when you have shared services, you find ways to save money.

Councilor Dennett said it started with the Town Council and School Committee and now it's being added onto.

Councilor Denault said it was focused on the school.

Councilor Dennett said that we could get into big problems with the Charter.

Councilor Denault said this is the first he has heard of it from Councilor Dennett.

Chairperson Thomson said there is a motion on the floor.

Councilor Dennett asked to repeat it.

APPROVED MINUTES

IT WAS MOVED BY COUNCILOR SPILLER THAT COUNCIL MAKE FORMAL THE SHARED SERVICES COMMITTEE CHARGE AND MEMBERSHIP AND TO APPOINT THE CHAIR AND VICE CHAIR OF THE TOWN COUNCIL EACH YEAR AS MEMBERS TO THE COMMITTEE, SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS TAKEN. MOTION PASSED 6-1 WITH COUNCILOR DENNETT VOTING IN OPPOSITION.

f. (050114-10) The Kittery Town Council moves to appoint Joyce Tobey as Warden and Sandra Lutts as Deputy Warden and the opening of the polls at 8:00 a.m. and the closing at 8:00 p.m. for the June 10, 2014 Primary and School Budget Validation Referendum election as recommended by the Town Clerk.

IT WAS MOVED BY COUNCILOR SPILLER AND SECONDED BY COUNCILOR PELLETIER TO APPOINT JOYCE TOBEY AS WARDEN AND SANDRA LUTTS AS DEPUTY WARDEN AND THE OPENING OF OTHE POLLS AT 8:00 A.M. AND THE CLOSING AT 8:00 P.M. FOR THE JUNE 10, 2014 PRIMARY AND SCHOOL BUDGET VALIDATION REFERENDUM ELECTION.

ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.

Councilor Dennett said he had to step out and asked what was the result of the appointment to the KCC Board of Directors.

Chairperson Thomson replied that Councilor White was appointed to conduct the interview.

Councilor Dennett said the Board of Directors has been appointed without the benefit of an interview.

Chairperson Thomson said that was initially.

Councilor Dennett said it is without an interview.

Chairperson Thomson said yes.

Councilor Dennett wanted to know why are we changing horses in the middle of the stream.

Chairperson Thomson asked Councilor Dennett if he had any suggestions for a motion.

IT WAS MOVED BY COUNCILOR DENNETT TO RESCIND COUNCIL ACTION TO APPOINT COUNCILOR WHITE TO MEET WITH THE CHAIR OF THE KCC BOARD OF DIRECTORS TO INTERVIEW DANIELLE AVERY, SECONDED BY CHAIRPERSON THOMSON.

ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSES 7-0.

COUNCILOR DENNETT MOVED TO APPOINT DANIELLE AVERY, WITHOUT BENEFIT OF AN INTERVIEW, TO THE KITTELY COMMUNITY CENTER BOARD OF DIRECTORS AS A RECREATION REPRESENTATIVE UNTIL 5/30/17, SECONDED BY COUNCILOR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.

g. (050114-11) The Kittery Town Council moves to sign the warrant for the June 10, 2014 School Budget Validation Referendum Election.

APPROVED MINUTES

IT WAS MOVED BY COUNCILOR PELLETIER, SECONDED BY COUNCILOR BRAKE TO SIGN THE WARRANT FOR THE JUNE 10TH SCHOOL BUDGET VALIDATION REFERENDUM ELECTION. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.

h. (050114-12) The Kittery Town Council moves to sign the warrant for the June 10, 2014 Annual Town Meeting/Secret Ballot Vote.

IT WAS MOVED BY COUNCILOR PELLETIER AND SECONDED BY COUNCILOR BRAKE TO SIGN THE WARRANT FOR THE JUNE 10TH ANNUAL TOWN MEETING/SECRET BALLOT VOTE. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.

i. (050114-13) The Kittery Town Council moves to approve the request of the Kittery Community Market Advisory Board to continue sponsoring the Kittery Community Market as a town event to be held on Wednesdays from 2:00 p.m. until 6:00 p.m., May 28, 2014 to October 8, 2014 at Post Office Square in Kittery Center Village.

Chairperson Thomson said that Council has received correspondence from the KCM Advisory Board.

COUNCILOR PELLETIER MOVED THAT COUNCIL APPROVE THE REQUEST AND CONTINUE TO SPONSOR THE KITTERY COMMUNITY MARKET AS A TOWN EVENT TO BE HELD ON WEDNESDAYS FROM 2:00 P.M. UNTIL 6:00 P.M. MAY 28TH TO OCTOBER 8TH, 2014 AT POST OFFICE SQUARE, SECONDED BY COUNCILOR BRAKE. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 7-0.

j. (050114-14) The Kittery Town Council moves to approve the request to authorize the Kittery Community Market to hang a banner across Rogers Road in front of the Community Center from May 29th to October 8, 2014.

Chairperson Thomson said he wanted to bring this to Council's attention – that there are requests coming forward to approve a couple of banners at Rogers Road for the same time period. He said there is a request for the next meeting from the Recreation Dept. for the Block Party for a couple of weeks in June, so the Kittery Fire Dept. will take the Community Market banner down and put the other one up.

Chairperson Thomson said he did not think the Kittery Fire Department should be in the business of putting banners up.

CHAIRPERSON THOMSON MOVED THAT, ON THIS PARTICULAR ITEM, COUNCIL APPROVE THE REQUEST OF THE KITTERY COMMUNITY MARKET AND AUTHORIZES THE BANNER TO BE PUT UP ACROSS ROGERS ROAD FROM MAY 29TH THROUGH JUNE 9TH 2014, SECONDED BY COUNCILOR PELLETIER.

Chairperson Thomson said he believes that this is an adequate time period, considering the Community Market will have two banners at the site.

Councilor Dennett pointed out that having the banner hung from May 29th to October 8th would "freeze out" everyone else's requests.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 7-0.

APPROVED MINUTES

k. (050114-15) The Kittery Town Council moves to approve the request to authorize the Kittery Community Market to hang two banners at Post Office Square from May 29th to October 8th, 2014.

Chairperson Thomson said these are banners to be hung at the site.

IT WAS MOVED BY COUNCILOR SPILLER AND SECONDED BY COUNCILOR PELLETIER TO APPROVE THE REQUEST AND AUTHORIZE THE KITTERY COMMUNITY MARKET TO HANG TWO BANNERS AT POST OFFICE SQUARE FROM MAY 29TH TO OCTOBER 8TH, 2014. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.

l. (050114-16) The Kittery Town Council moves to authorize the Kittery Community Market to place directional signs at limited locations around Kittery and Kittery Point to direct people to the Community Market on Wednesdays only from May 28th to October 8th 2014.

Chairperson Thomson said he assumed the areas in question are the same as last year. He said the members of the KCM Advisory Board were very good in picking up the signs last year.

IT WAS MOVED BY COUNCILOR WHITE AND SECONDED BY COUNCILOR DENAULT TO AUTHORIZE THE KITTERY COMMUNITY MARKET TO PLACE DIRECTIONAL SIGNS AT LIMITED LOCATIONS AROUND KITTERY AND KITTERY POINT TO DIRECT PEOPLE TO THE COMMUNITY MARKET ON WEDNESDAYS ONLY FROM MAY 28TH TO OCTOBER 8, 2014.

Councilor Dennett said one of the sites listed for the signs is Fort McClary, across from the pond, at the exits and said he did not know that Fort McClary had two exits.

Councilor Denault said one is for the park.

ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 7-0.

m. (050114-17) The Kittery Town Council moves to authorize the release of funds in the amount of \$472.50 from unassigned surplus and to deposit said funds into Account # 101740-68427 Expense Self-Insurance Claims Coverage to cover the cost of repairs for the Recreation Department's 2010 Chevy bus that was damaged due to an accident and the repairs were below the deductible amount.

Chairperson Thomson asked for an explanation.

Councilor Brake wanted to know who was at fault.

Councilor Dennett replied we were.

Maryann Place explained that the Recreation van was in busy, downtown Boston and someone had their door open and the bus caught the door.

COUNCILOR SPILLER MOVED THAT COUNCIL AUTHORIZE THE RELEASE OF FUNDS IN THE AMOUNT OF \$472.50 FROM UNASSIGNED SURPLUS AND TO DEPOSIT SAID FUNDS INTO ACCOUNT # 101740-68427 EXPENSE SELF INSURANCE CLAIMS COVERAGE TO COVER THE COST OF REPAIRS FOR THE RECREATION DEPARTMENT'S 2010 CHEVY BUS WHICH WERE BELOW THE DEDUCTIBLE AMOUNT, SECONDED BY COUNCILOR DENAULT.

APPROVED MINUTES

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSES 7-0.

n. (050114-18) The Kittery Town Council moves to schedule a public hearing for May 28th to transfer \$20,000 from unassigned surplus, pursuant to Sec. 6.09(2), to fund consulting services associated with filing an appeal to FEMA associated with the newly revised Flood Insurance Rate Maps.

CHAIRPERSON THOMSON MOVED THE ITEM, SECONDED BY COUNCILOR WHITE. ROLL CALL VOTE WAS TAKEN. MOTION PASSED 6-1 WITH COUNCILOR DENNETT VOTING IN OPPOSITION.

o. (050114-19) The Kittery Town Council moves to appoint Joseph Carven to the Shellfish Conservation Committee as a regular member until 3/15/17.

COUNCILOR SPILLER MOVED THE APPOINTMENT OF JOSEPH CARVEN TO THE SHELLFISH CONSERVATION COMMITTEE UNTIL 3/15/17, SECONDED BY COUNCILOR PELLETIER.

Councilor Spiller said that she and Dan Clapp, Chair, conducted the interview last Saturday and both of them endorse Mr. Carven's appointment.

Chairperson Thomson they do not have the appointment oath form and asked Council to stop by the town office and sign the form.

Councilor Spiller said she has the interview form and handed it to Chairperson Thomson.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 7-0.

14. COUNCILOR ISSUES OR COMMENT:

Councilor Denault wanted to know, when they go out to bid or have a RFP and they have used a business or someone before and they have been satisfied, could we notify them when we have a different bid. He said a local business man came by and asked him why wasn't he notified. He wanted to know if there was any reason why we cannot notify someone based on that company's performance, as a courtesy.

Chairperson Thomson replied if the notice is in the paper, why didn't this man look at it and they can't be calling anyone.

Councilor Denault thanked everyone in the community for helping by contributing to the End 68 Days of Hunger box that is in the town hall lobby.

Councilor Denault said he received a call about the traffic lights on Haley Road. He said people are coming up and stopping, but the light changes within seconds and only one car can go through.

Councilor Dennett said that is because it operates on sensors and if it detects a car, it will change.

Councilor Denault said a businessman contacted him and he was told by the State that he has to get a blue sign and he suggested that he goes to see the Town Manager.

Chairperson Thomson asked are you saying a private businessman is being told they have to put up a blue sign.

APPROVED MINUTES

Councilor Denault responded yes, and he will give him the name later.

Chairperson Thomson asked if it wasn't an issue of uniformity.

Councilor Denault said the man wanted to buy a sign and was told what he chose he could put up in front of his business, but he had to get another sign.

Chairperson Thomson asked if this person had gone to see the Town Manager.

Councilor Denault said he suggested that to him.

Councilor Denault said he is still looking for the minutes regarding the travel policy from the School.

Town Manager Colbert Puff replied she will get them from the school.

Councilor Denault said there are some street lights that are burned out and wanted to know who was responsible to get them replaced.

Chairperson Thomson said typically it has been the responsibility of the Police Department.

Town Manager Colbert Puff said she would check on it with the Police Chief to see if they are continuing to do that.

Councilor Denault expressed his condolences on behalf of the town at the recent passing of several citizens of the town and read their names.

Councilor Brake said that Foxwell lost their van and was wondering if the town could do anything to help.

Chairperson Thomson asked if he meant the York County transportation van.

Councilor Brake replied yes and wanted to know if the town could come up with a van.

Councilor White asked if Councilor Brake was referring to a van and a driver.

Councilor Brake replied yes.

15. COMMITTEE AND OTHER REPORTS.

a. Communications from the Chairperson

Chairperson Thomson said that Council will have a special meeting at 5:45 p.m. next Monday, the 19th, which will be followed by the budget workshop. He said the Town Manager is requesting an executive session to give us an update on the contract negotiations.

Chairperson Thomson said he did the interview with the Chair of the Rice Library Board of Trustees Chair and Emily Bailey, and no further action needs to be taken by the Town Council.

APPROVED MINUTES

Chairperson Thomson said that on May 20th, at 5:30 pm at the Kittery Community Center at the Star Theater there will be a World Affairs Council of NH talk and he will be introducing Former Deputy Secretary of State PJ Crowley, who will be the guest speaker. He said admission is \$10.

Chairperson Thomson reminded Council of a couple of dates:

- that the Memorial Day parade is Saturday, May 24th, and they will be stepping off at 9:00 a.m. on Walker Street.
- the Dedication of the Thresher Memorial Park behind the Town Hall is Monday, May 26th at 10 a.m. and he will be delivering the keynote address.

Chairperson Thomson said the Seacoast J-1 Hospitality Coalition Meeting is Tuesday May 27th at 6:30 p.m. in the Council Chambers.

Chairperson Thomson said that at 6:00 p.m. on Wednesday, May 28th, before the Regular Council Meeting, there will be a long-term budget planning workshop.

Chairperson Thomson said the public hearing on the FY '15 Municipal budget is Monday, June 9th at the regular Council meeting and Tuesday, June 10th is the Primary voting, School Budget Validation Referendum and Municipal Warrant articles voting.

Chairperson Thomson said that Monday, June 23rd is the appropriation of FY 15 budgets.

Chairperson Thomson asked the Town Manager if a sign could be posted on Badger's Island welcoming bicyclists to Kittery which would indicate the State of Maine Cycling Rules so that people will be aware of the rules. He suggested that a pdf format could be made available at the Police Dept. and the Town Hall that could be handed out to people.

Chairperson Thomson said that by the end of June, as per the Town Manager's employment agreement, Council has to review her performance. He said that the evaluation form has been given to the Town Manager and she is looking at it.

b. Committee Reports:

Councilor Spiller said that WILSA met and she will have a report at the next meeting which will include the minutes from that meeting.

16. EXECUTIVE SESSION – none

17. ADJOURNMENT:

COUNCILOR WHITE MOVED TO ADJOURN THE MEETING AT 8:51 P.M., SECONDED BY COUNCILOR DENAULT. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSES 7-0.

/bb